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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,393	02/13/2004	Harumi Ooshima	10445/13	9011
7590 10/11/2007				
Brinks Hofer Gilson & Lione				
P.O. Box 10395				
Chicago, IL 60610				
		EXAMINER		
		BURCH, MELODY M		
		ART UNIT		PAPER NUMBER
		3683		
		MAIL DATE		DELIVERY MODE
		10/11/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,393

Applicant(s)

OOSHIMA ET AL.

Examiner

Melody M. Burch

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-288 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/1/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-16, 18, 21, 22, 25, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6378665 to McCormick et al.

Re: claims 14-16, 18, 21, 22, 25, 26, and 28. McCormick et al. show in figures 1 and 4 a disc brake for a vehicle comprising: a pair of brake pads 18,20 configured to press a disc rotor 22, a supporting member 12,70 that supports the pair of brake pads for movement in an axial direction of the disc rotor, a return spring 50 that has a base end 20c shown in figure 2 attached to one of the brake pads and a distal end 162A shown in figure 5 configured to press the supporting member so as to urge by reaction the one of the brake pads away from the disc rotor, and at least one wall shown surrounding the lead line of 70A that elevates adjacent to the distal end of the return spring to limit at least one of clockwise and counter clockwise movements of the distal end around the base end relative to the supporting member, wherein the return spring abuts in a rotational direction thereof against the at least one wall and a reaction force received by the return spring from the at least one wall upon abutment against the at least one wall, exclusive of a frictional force from the at least one wall, comprises some

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force acting against the return spring in the direction opposite to the rotational direction of the return spring.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 19, 20, 23, 24, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al. in view of US Patent 6223866 to Giacomazza.

McCormick et al. describe the invention substantially as set forth above, but lack the limitation of a guiding member provided between the one of the brake pads and the supporting member wherein the guiding member comprises a contact portion which is in contact with the distal end of the return spring and pressed thereby.

Giacomazza teach in figure 7 the limitation of a return spring 150 and a guiding member 152.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the return spring of the disc brake of McCormick et al. to have included a return spring and a guiding member, as taught by Giacomazza, in order to provide a means of damping the movement between the return spring and the supporting member.

Response to Arguments

5. Applicant's arguments with respect to claims 14-28 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to the Demoise Jr. reference were persuasive. See pg. 6 of the remarks filed 10/1/07. Accordingly, the 102 and 103 rejections using the Demoise reference have been withdrawn. However, new grounds have been presented using the McCormick et al. reference.

Response to Amendment

6. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on 10/1/07 was filed after the mailing date of the final office action on 7/18/07. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 4219105 to Delaunay teach the use of a return spring having a base end attached to the brake pad and a distal end situated in a recess in the supporting member.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
October 9, 2007

Melody M. Burch
Melody M. Burch
Primary Examiner
Art Unit 3683
10/9/07